

Written Testimony of Rebecca Shiemke
Michigan Advocacy Project
Senate Bill 185
May 18, 2010

I am Rebecca Shiemke, the family law attorney at Michigan Poverty Law Program. Michigan Poverty Law Program is the statewide support center for legal services program in Michigan. I am here today on behalf of the Michigan Advocacy Project (MAP). The Michigan Advocacy Project is a joint project between the Michigan League for Human Services (MLHS) and the Michigan Poverty Law Program. MAP advocates on behalf of the state's low-income population on issues in the areas of domestic violence and family law, elder law, housing and consumer protections.

I am here today to support Senate Bill 185, which will provide new legal rights to victims of domestic violence, sexual assault and stalking who are tenants in rental units. Under this bill, the victim may terminate the rental lease early in order to seek safety from a perpetrator where remaining in the rental unit would be dangerous. This is an important remedy for victims of domestic violence, many of whom report losing their housing, at least in part, due to the violence perpetrated against them. In some cases, landlords may use the violence in the unit as a basis to evict the victim; in other cases the victim may simply vacate the unit rather than compromise the safety of the victim or the victim's children.

Although this bill offers a unique remedy to domestic violence victims in Michigan, it is not a new concept. If this bill passes, Michigan will join an increasing number of other states who have passed similar laws that permit victims of violence to terminate leases early, including Washington, Oregon, Colorado and the District of Columbia to name a few. Further, the 2005 reauthorization of the federal Violence Against Women Act included important protections for victims living in federally-funded public housing or using section 8 vouchers.

Specifically, Senate Bill 185 will release a tenant from his or her rental payment obligation if the tenant submits documentation that the tenant has an apprehension of danger to the tenant or the tenant's children. The documentation required to substantiate the tenant's fear is relatively easy for the tenant to obtain and for the landlord to verify. It includes a personal protection order, a criminal "no contact" order, a police report resulting in criminal charges or a report verified by a qualified third party. Finally, the bill recognizes the importance of preventing the perpetrator from locating the tenant by prohibiting the landlord from intentionally releasing the tenant's new address to the perpetrator.

The bill is also cognizant of the concerns of landlords and property owners. It provides that the tenant's obligation to pay rent ends no later than the first day of the second month that rent is due after the tenant gives notice. Further, the tenant's obligation to pay rent does not end until the tenant actually vacates the premises and the landlord may keep all prepaid amounts including first and last month's rent and all or part of a security deposit as already permitted under Michigan law.

Passage of Senate Bill 185 will offer a new tool to victims of domestic violence, sexual assault and stalking who are in danger and who are attempting to seek safety for themselves and their children. I urge this committee to vote in favor of Senate Bill 185.